

REMARKS

As a preliminary matter, Applicant requests acknowledgement of the supplemental information disclosure statement that is filed herewith. An initialed copy of the form 1449 is requested.

Applicant notes that prosecution has not been advanced substantively with the most recent office action. The advisory action refused entry of the December 16, 2010 amendment and indicated that the amendment would overcome the rejections as written.

Having filed an RCE, Applicant now faces the exact same rejection respecting claims 1-4 and 6-12, and an unexpected “interpretation” with respect to claims 13-19. An overall goal of fair and efficient prosecution is met only when 37 CFR 1.104 is followed. Rule 104(1)(a) requires that “the examiner shall make a thorough study thereof and shall make a thorough investigation of the available prior art relating to the subject matter of the claimed invention.” The specific grounds of rejection as presented in the current action are addressed separately below, and, if the case is not allowed, Applicant respectfully requests notice of any responsive interpretations or theory that are likely to be applied and haven’t been yet.

Claims 1-4 and 6-19 stand rejected under 35 U.S.C. 103 as being allegedly obvious over Doshi, U.S. Patent No. 6,144,667 in view of Scott, U.S. Patent No. 7,123,608. The rejection is respectfully traversed. The specific new comments in the rejection are addressed. Previous arguments are maintained, but will not be repeated.

Claim 13-19 Interpretation of “Home” and “Office”

According to the present office action, the application does not “define home or office telephone connections in any meaningful way. The applicant *could have chosen to use an arbitrary moniker for the phone lines and it would not change the fact that the claim is drawn to a gateway connected to a phone line.*” This is a legally incorrect interpretation that ignores ordinary meaning and the present specification. Ordinary words have “plain meanings”, and such meanings should be applied during examination in a manner that is consistent with the specification. MPEP §2111.01. The pending claims must be “given their broadest reasonable

interpretation consistent with the specification.” MPEP §2111 quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005).

The Examiner appears to be giving “home or office telephone connection” no meaning by deciding that it can be an “arbitrary moniker”. Deciding that a claim term is an “arbitrary moniker” is an admission that neither ordinary meaning or the context of the present specification has been considered.

The Examiner declares the terminology to be arbitrary and then concludes that Scott reads upon the claims because connections in “Scott can be considered ‘office’ connection because clearly they are related to a place of business” and can also be “considered ‘home’ connections because the applicant has not claimed any frame of reference...[and] any building with telephone connections in Scott is ‘home’ to the PC gateway disclosed by Scott.” This claim interpretation is legally incorrect for 1) failing to apply any meaning, i.e., declaring the claim terms to be mere “monikers”; 2) failing to apply ordinary meaning to “home or office telephone connection”; and 3) failing to apply a meaning that is consistent with the present specification.

Declaring claim terms to be “monikers” improperly excuses the discovery of any meaning in the terms. “Home telephone connection” is not a moniker or arbitrary name, and any artisan would find meaning in the phrase. The same is true “office telephone connection”. Declaring specific claim terms to be mere “monikers” abdicates the duty of the Patent Office to provide a legally correct interpretation.

A quick search of USPTO records indicates that a “home telephone” is not a phone company resource by ordinary meaning, nor is an “office telephone”. For example, US 7908211 (owned by AT&T) states in the background section, that “the user may instruct that calls placed to his or her office telephone are to be forwarded to a home telephone or a mobile phone.” US7907964 states regarding FIG. 6 that “the rules may specify that certain received calls should be directly transmitted to a voice mail system, and/or that other received calls should be transferred to a home telephone.” Many other patents indicate that “home telephone” has clear meaning. Searching the term “home telephone” reveals that the meaning intended by Applicant is correct, and that the Examiner’s attempt to ignore the meaning as a moniker is not.

The same is revealed by a search of “office telephone”, e.g., US7907706 states in the background section that “Current home or small office telephone equipment is incompatible with telecommunications products that offer some of the foregoing benefits.” The remaining patents revealed by the “office telephone” search similarly reveal that the Examiner’s interpretation is incorrect. Even the applied art recognizes a difference between private home/office connections and phone company side resources. Doshi identifies separately an individual customer locations 10 and 20 and a “local or toll-free telecommunications link 5” to the Internet 50 and the link 6 “to the voice telephone network”. C6, L47; FIG. 1A.

The language of the claims and specification also indicate that the Examiner’s interpretation is incorrect. For example, claim 1 (from which claims 12-14 depend) adds the context that the host is “connected to a local phone service via local phone line”. Properly read together, the “home office connection” that connects the host “to a local phone service via a local phone line” could only be interpreted to be a private residence with a connection to a local phone service. Thus, the host in that instance is a personal computer in a private residence. The claims must be read as a whole, and no proper interpretation of the claims compares the claimed personal home or office personal computer/hosts as being phone company resources.

Such an interpretation would be expressly contrary to the specification, which is legally incorrect. The specification makes clear that home and office connections are the connections of individual users, and this context has also been ignored in the rejection:

- 1) “allow a person, having access to an Internet connection, to receive calls and make calls using his/her home or office telephone;” P1, L9-10;
- 2) “the invention can exploit availability of an existing voice modem port on the user’s home or office computer;” P1, L12-13;
- 3) “the invention enables people to use their PCP (POTS, cell, PBX) phone connection(s) from anywhere that an Internet connection is available;” P2, L22-24;
- 4) “individual and enterprise customers will be attracted by the convenience of “anytime, anywhere” access to their home and/or office telephone connections; P3, L2-5;

5) “to receive calls and make calls using his/her home or office telephone”;
Abstract.

In sum, a legally correct interpretation of home and/or office telephone connection(s) precludes reading claim 13-19 upon Scott/Doshi’s phone company resources. This is true though, as the Examiner points out, Scott’s gateways can be realized with personal computers. Scott states in column 9 that Scott’s gateway server 110 or 130 can be a personal computer.

The problem with application of Scott/Doshi, is that Scott/Doshi represent phone company solutions. Thus, the gateway servers in Scott are an interface between the public switched telephone network and the packet switched network. C3, L1-3. The invention as claimed in claims 13-19 is a solution that is independent from the phone company resources because each separate home or office local phone line connection is not the phone network, but instead is an individual owner’s home or office connection to the phone network. The invention in claims 13-19 does not interface the phone companies’ telephone switched network to the Internet as the VoIP systems of Scott/Doshi, but instead interfaces a private home or office connection.

New Claim 20 Customer Connection

The above interpretations are the only legally correct interpretations. However, since the Examiner continues to compare the phone company gateways to the home and office connections to local phone lines, claim 20 is added in further exploration of this issue. In claim 20, the home and/or office telephone connections to local phone lines are “telephone company customer connections.” This emphasizes that they are customer connections as opposed to phone company gateways between the phone company network and the Internet. If this could resolve the issue, a positive indication would be appreciated and Applicant would appreciate the full opinion of the Examiner.

Applicant also solicits ideas if the Examiner disagrees. The gist of what Applicant has been arguing and attempting to claim must be clear to the Examiner. The language adopted previously has apparently failed to meet the Examiner’s expectations. Applicant still believes that the claims clearly distinguish from the

interpretation applied, but welcome the suggestion of alternative language consistent with the nature of protection that Applicant clearly seeks.

Claims 1-4 and 6-12

The Examiner supports the rejections with further explanation of Scott as having PCs as gateways. The combination is not disputed, but the combination does not suggest the invention of any of claims 1-4 and 6-12 because the gateway 120 of Doshi and the gateways 110/130 of Scott are not fairly compared to the “host being connected to a local phone service via a local phone line” (see, e.g., claim 1) such that a call is routed to a host connected to a local phone service via a local phone line. No gateway in Doshi/Scott ever uses a local phone line connection of a host to route any calls “via the local phone line of the host that is in the local area.” The Examiner points to the voice switches in Doshi as the hosts, but the voice switches are part of the public or toll switched telecommunications network 100. C6, L19-20; FIG. 1A. Doshi contradicts the Examiner’s interpretation, because Doshi identifies separately individual customer locations 10 and 20 and a “local or toll-free telecommunications link 5” to the Internet 50 and the link 6 “to the voice telephone network”. C6, L47; FIG. 1A. The voice switches in Doshi can’t correspond to the claimed hosts because only the customer locations 10 and 20 meet the claim requirement of being both connected to a local phone service via a local phone line and to the Internet (and are specifically identified in Doshi as being local customer locations).

This distinction remains unaddressed in the rejection, and is an issue with respect to each of the independent claims. Doshi/Scott do not direct any client communications through the local phone line associated with a host. In Doshi/Scott, the host is the telephone company. In the claims, the host is connected to a telephone company via its local phone line and such a host is used to achieve the localization of the phone services independently (in the sense that the phone company performs no action and provides no additional equipment) of the phone company. A routing for a client in the claims is through the local phone line of a host. Thus, a host’s local phone line in the claims necessarily acts as a conduit for calls of separate clients. No such use of a local phone line is anywhere disclosed in either of Doshi/Scott, and this important reading of the claim structure as a whole is absent in the rejection. In

Doshi/Scott, the only data/voice communications that proceed through local phone lines are by the customers served by those local phone lines and not any other clients.

For all of the above reasons, reconsideration and allowance of the instant application is requested. Should the examiner have any questions or concerns that could be resolved by a telephone conference, the examiner is invited to contact the undersigned attorney at the below listed number.

Respectfully submitted,

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